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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/795,830 Confirmation No.: 2799
Applicant : James E. Grimm et al.
Filed : March 8, 2004
Title : NAVIGATED ORTHOPAEDIC GUIDE AND METHOD
TC/A.U. : 3733
Examiner : Annette R. Reimers

Docket No. : ZIM0417 (ZM0618)
Customer No. : 43963

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. § 120

Applicants hereby petition the Commissioner for Patents to accept an unintentionally delayed claim for priority under 35 U.S.C. § 120. Applicants respectfully submit that the entire delay between the date a claim for priority to United States Patent Application Serial No. 10/325,088 was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Pursuant to 37 C.F.R. § 1.78(a)(3), forwarded concurrently is an amendment to the present specification to include the reference required by 35 U.S.C. § 120 to the prior-filed application; the surcharge of \$1,370.00 as set forth in 37 C.F.R. § 1.17(t); and a Statement of Mr. Todd A. Dawson, President, Zimmer Technology, Inc., indicating that the entire delay between the date a claim for priority to United States Patent Application Serial No. 10/325,088 was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

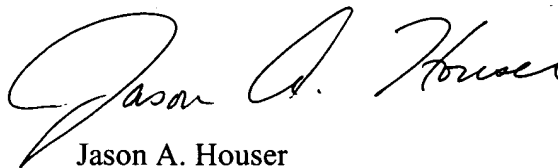
Application No. 10/795,830

Petition to Accept an Unintentionally Delayed Claim for Priority

If the enclosed remittance is insufficient, please charge any additional amount due to

Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,



Jason A. Houser
Registration No. 53,038
Attorney for Applicant

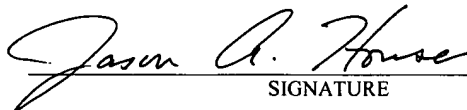
JAH/pas
Enclosure(s):
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111 E. Wayne Street, Suite 800
Fort Wayne, IN 46802
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Facsimile: 260-460-1700

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
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ADDRESSED TO: COMMISSIONER OF PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, on: March 28, 2007

Jason A. Houser, NO.53,038
NAME OF REGISTERED REPRESENTATIVE


SIGNATURE

March 28, 2007

DATE



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**STATEMENT OF MR. TODD A. DAWSON IN SUPPORT OF THE
PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. § 120**

I, MR. TODD A. DAWSON, make the following statements:

1. The entire delay between the date a claim for priority to United States Patent Application Serial No. 10/325,088 was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.
2. That all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3/26/07

By: 

Mr. Todd A. Dawson, Reg. No. 33,165
President
Zimmer Technology, Inc.